

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TIG INSURANCE COMPANY,
as successor-in-interest to
TRANSAMERICA INSURANCE COMPANY,

Petitioner,

-against-

FIRST STATE INSURANCE COMPANY,

Respondent.

CIVIL ACTION NO.

CY-12729 -
MLW

**MEMORANDUM OF LAW OF PETITIONER IN SUPPORT OF ITS
PETITION TO CONFIRM AN ARBITRATION AWARD**

Petitioner, TIG Insurance Company, as successor-in-interest to Transamerica Insurance Company ("TIG"), submits this Memorandum of Law in support of its petition for an order and judgment, pursuant to Section 9 of the United States Arbitration Act, 9 U.S.C. § 1 et seq. (a) confirming an arbitration award dated January 30, 2004, as supplemented by the arbitrators on August 13, 2004 (collectively, the "Final Award"), (b) entering judgment thereon and (c) granting TIG such other and further relief as may seem just and equitable.

STATEMENT OF FACTS

The relevant facts are set forth in the Petition and are incorporated herein by reference.

ARGUMENT

THE COURT SHOULD CONFIRM THE AWARD

Section 9 of the United States Arbitration Act, 9 U.S.C. § 1, et seq. (the "Act"),¹ provides

¹ The Act, rather than a state arbitration statute, governs here. Sections 1 and 2 of the Act, 9 U.S.C. §§ 1 and 2, provide that the Act applies to written arbitration agreements involving interstate commerce. There can be no dispute that the contracts at issue here involve interstate commerce. Premium and loss correspondence and remittances flowed between Massachusetts (First State's principal place of business and the principal place of business of the third-party administrator, or TPA, appointed by First State to oversee its runoff) and California (TIG's domiciliary state and the principal place of business of the third-party administrator, or TPA, appointed by TIG to oversee its runoff).